

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
IGOR KUPERSHTOK, ARNOLD BLINDER,
and SPRI UKRAINE, LTD.,Civil Action Number:
07 Civ. 329 (LBS)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>5-31-07</u>
DATE FILED: <u>5-31-07</u>

Plaintiffs,

-against-

SOCIAL PSYCHIATRY
RESEARCH INC. and
SPRI INTERNATIONAL, LLC,

Defendants.

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NOTICE OF MOTION TO DISMISS
FIRST AMENDED COMPLAINT

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PLEASE TAKE NOTICE, that upon the Affidavit of David S. Frydman, Esq., sworn to May 2, 2007 and the Declaration of Matthew Lehman, dated March 19, 2007, and the Exhibits annexed thereto, and the accompanying Memorandum of Law, defendants, by their undersigned co-counsel, will move this Court, at the United States Courthouse, 500 Pearl Street, Courtroom 15-A, New York, New York, on May 31, 2007 for oral argument at 2:15 p.m., for an Order: (1) pursuant to Rules 12(b)(1) and (7) and 19 of the Federal Rules of Civil Procedure and 28 U.S.C. §1332 dismissing the First Amended Complaint on the ground that plaintiffs have failed to join Pharmaceutical Trade House Co., Inc., an indispensable party to this action, and diversity jurisdiction would be lacking were the party joined; and (2) granting such other and further relief as to the Court may seem just and proper.

Enclavement
 complaint dismissed without
 prejudice to commencement of
 new action in state court
 So ordered
 5/31/07 *D. Gandy*